

# **Sexual Harassment and Employment Discrimination**

## **County Policies And Guidelines for Complaints**

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**EEO/Diversity Team  
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**Part 1**  
**Montgomery County**  
**Policy on Sexual Harassment**

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# **Montgomery County Policy on Sexual Harassment**

## **Important Information**

This booklet is provided as general guidance for employees, supervisors, and managers concerning the County's policy on sexual harassment. It is not intended to change or otherwise modify the policy itself. In the event there is an inconsistency, the published policy statement will prevail.

Any employee, including a manager or a supervisor, who is subjected to sexual harassment, witnesses it, or has knowledge of it, is required to report it to a member of the Office of Human Resources' EEO/Diversity Team or to an attorney in the County Attorney's Office. If an incident of sexual harassment is initially reported to the County Attorney's Office, the Office of the County Attorney will immediately notify the Office of Human Resources (OHR) unless OHR is the target of the complaint.

# County Policy on Sexual Harassment

## General Information

**Q.** Does the County have a policy on sexual harassment?

**A.** Yes. The *Montgomery County Policy on Sexual Harassment* was signed by the County Executive and became effective on August 1, 1996. The County, through its new policy, seeks to address and remedy all allegations of sexual harassment as quickly and appropriately as possible, using all the resources and remedial actions available to the County.

**Q.** What is the basic message of the policy?

**A.** The basic message is that sexual harassment, like other forms of discrimination, will not be tolerated in the County work place. The policy defines sexual harassment; states the policy; provides procedures for filing and investigation of complaints, and examples of remedial action when complaints are found to be valid; and provides for the education and training of employees.

## Definition

**Q.** What is sexual harassment?

**A.** Sexual harassment is verbal or physical conduct that includes:

- Unwelcome sexual advances;
- Requests for physical conduct of a sexual nature; and
- Any written, oral, or physical conduct of a sexual nature when submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual, or when such conduct has the purpose or effect of affecting an individual's work performance or creating an intimidating, hostile or offensive working environment.

**Q.** What are some examples of sexual harassment?

**A.** Some examples include requests for sexual favors; the use of threat or force to obtain sexual favors; sexual propositions or innuendo; suggestive comments; sexually-oriented teasing or joking; jokes about gender-specific traits; unwelcome or uninvited touching, patting, pinching, or brushing against another's body; obscene spoken or written language; obscene gestures; and display of offensive or obscene printed or visual material.

## Policy

**Q. What is the County policy on sexual harassment?**

**A.** Key components of the County's policy include the following:

- Every employee has the right to work in an environment free of all forms of discrimination. Sexual harassment is a form of discrimination that is illegal and will not be tolerated.
- Managers and supervisors must ensure that employees under their supervision or direction are provided a work environment free of sexual harassment.
- County employees must not subject other employees, contractors, consultants, citizens, job applicants, customers or clients to sexual harassment.
- The sexual harassment of County employees by contractors, consultants, subcontractors, their employees, individuals who conduct business with the County, or individuals who receive services from the County will not be tolerated.
- The use of threats or other means to retaliate against another person who resists harassment, reports the alleged harassment to another, participates or cooperates in an investigation of a complaint of sexual harassment, or files a complaint about the alleged

harassment is prohibited and will not be tolerated.

This policy applies to County employees when they are conducting County business and dealing with others while at work or at work-related social functions.

## **Advice and Counseling**

**Q. Where can I get advice and counseling about sexual harassment?**

**A.** Advice and counseling about sexual harassment and the County's policy are available from the Office of Human Resources and the Office of the County Attorney.

## **Reporting Sexual Harassment**

**Q. What should I do if I witness, become aware of, or believe I am a victim of, sexual harassment?**

**A.** You should report the harassment to your supervisor immediately. However, if your supervisor is a party to the harassment, or if you don't wish to discuss it with your supervisor, you must report the harassment immediately to your department or office director, or to a member of the EEO/Diversity Team in the Office of Human Resources (OHR), or to an attorney in the Office of the County Attorney. The EEO/Diversity

Team can be reached at 301-217-2279; a County Attorney can be reached at 301-217-2600.

Managers and supervisors who become aware of suspected or reported sexual harassment must also report the information immediately to a member of the EEO/Diversity Team in OHR or to an attorney in the County Attorney's Office. If reported to an attorney in the Office of the County Attorney, the Office of the County Attorney will transmit the report to OHR immediately unless OHR is the subject of the complaint.

**Q. Does a sexual harassment report have to be in writing?**

**A.** No. A complaint brought to the attention of the EEO/Diversity Team or an attorney in the County Attorney's Office may be oral or written and may be made by any person having knowledge of the harassment.

## **Investigation of Complaints**

**Q. What is the responsibility of a supervisor or department director who receives a sexual harassment complaint?**

**A.** A supervisor or department director who receives a complaint must document all information relevant to the complaint, including the date and substance of the complaint and the

names of individuals who were involved or who witnessed the incident(s). The supervisor or department director must notify a member of the EEO/Diversity Team or an attorney in the County Attorney's Office of the complaint *within 24 hours*. The complaint may be referred to the EEO/Diversity Team or the Office of the County Attorney for investigation. However, if the EEO/Diversity Team and the County Attorney concur, the supervisor or department director may investigate the complaint and attempt to resolve it informally.

**Q. When is informal resolution of a complaint appropriate?**

**A.** It's appropriate only if the essential facts of the complaint are undisputed and both the victim and alleged perpetrator of the harassment agree to informal resolution.

**Q. What happens if the attempt at informal resolution is not successful?**

**A.** The complaint will then be investigated by a member of the EEO/Diversity Team, by an attorney in the County Attorney's Office when OHR is the target of the investigation, or jointly by a member of the EEO/Diversity Team and an attorney.

**Q. What happens when a complaint reaches the EEO/Diversity**

**Team or an attorney in the County Attorney's Office?**

**A.** An investigation of the complaint will begin within 24 hours after it is received or after notice is received that attempts to resolve the complaint informally were unsuccessful.

**Q. Who conducts the investigation?**

**A.** The investigation will be conducted by a member of the EEO/Diversity Team, by an attorney in the County Attorney's Office, or jointly by the EEO/Diversity Team and an attorney.

**Q. How long does the investigation take?**

**A.** To the extent possible, the investigation and attempts to resolve the complaint will be completed within 14 days working days of the filing of the complaint.

**Q. What about confidentiality of information?**

**A.** Every effort will be made to maintain the confidentiality of the information provided in connection with a sexual harassment complaint, to protect the privacy of the individuals involved. Information about the investigation will be given only to those persons who have a genuine need for the

information because of their role in the investigation or those who are legally entitled to the information. However, anonymity or confidentiality cannot be *guaranteed*.

**Q. How are the results of an investigation communicated -- and to whom?**

**A.** As soon as the investigation is completed, a member of the EEO/Diversity Team will notify the alleged victim, alleged perpetrator, and appropriate management officials of the results of the investigation and the recommendation for resolution.

## **Remedial Action**

**Q. What are some remedial actions provided by the County's policy?**

**A.** If the alleged perpetrator is a County employee, his or her department or office director is responsible for implementing appropriate remedial action to resolve the complaint. Depending on the nature of the offense, appropriate remedial action may include referral to the Employee Assistance Program or other type of counseling; transfer; disciplinary action, including discharge; or the filing of civil or criminal charges.

If the alleged victim is a County employee and the alleged perpetrator is a contractor, consultant, subcontractor,

their employees, individuals who conduct business with the County, or individuals who receive services from the County, remedial action might include contract termination or suspension, denial of contracting privileges, denial of services, or the filing of criminal charges against the harasser. The appropriate remedial action will be recommended by the County Attorney and implemented by the Chief Administrative Officer.

## **Education and Training**

**Q.** Is the County going to provide training to employees on the new policy?

**A.** Yes. Training has already begun for managers and supervisors. Ongoing educational and training programs will be conducted to inform employees about sexual harassment, how to prevent it, and how to deal with complaints of sexual harassment.

**Q.** Is the training required if I've already read the policy and this fact sheet?

**A.** Yes, the training is mandatory.

## **Additional Information**

**Q.** Where can I get more information about the County's sexual harassment policy or about how to file a complaint?

**A.** Additional information may be obtained by contacting the EEO/Diversity Team in the Office of Human Resources at 240-777-5110.



**Part 2**

**Montgomery County**  
**Policy on Employment Discrimination**

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## **Montgomery County Policy on Employment Discrimination**

### **Important Information**

This booklet is provided as general guidance for employees, supervisors, and managers concerning the County's policy on employment discrimination. It is based on the *Montgomery County EEO Complaint Processing Guidelines* issued by the Chief Administrative Officer on April 30, 1997. This booklet is not intended to change or otherwise modify the published policy and guidelines. In the event there is an inconsistency, the *EEO Complaint Processing Guidelines* document will prevail.

# County Policy on Employment Discrimination

## General Information

**Q.** Does the County have a policy on employment discrimination?

**A.** Yes. The County's policy prohibiting employment discrimination has existed for many years. The policy itself was recently re-issued by the Chief Administrative Officer on April 30, 1997, as part of the *Montgomery County EEO Complaint Processing Guidelines*. This document states the County's policy and provides guidelines for reporting and processing discrimination complaints.

**Q.** What do the guidelines apply to?

**A.** The guidelines apply to the reporting of discrimination complaints to the EEO/Diversity Team in the Office of Human Resources (OHR). They also apply to the processing of complaints by OHR's EEO/Diversity Team. Specifically, the guidelines apply to:

- All complaints filed internally by County employees to department/County management, either orally or in writing; and

- All complaints filed externally with such regulatory agencies as the Montgomery County Human Relations Commission (HRC), the Maryland Commission on Human Relations (MCHR), and the U.S. Equal Employment Opportunity Commission (EEOC).

**Q.** What is the relationship between these guidelines and other published guidelines about EEO complaints?

**A.** These guidelines are independent of and don't replace departmental guidelines on the processing of complaints, collective bargaining agreements, or procedures provided in the County's *Policy on Sexual Harassment*.

**Q.** Who investigates EEO complaints?

**A.** Complaints are investigated by a member of OHR's EEO/Diversity Team, in collaboration with the Office of the County Attorney.

## Definitions

**Q. What is employment discrimination?**

**A.** Employment discrimination includes any policies, practices, or procedures which limit or adversely affect employment, promotion, or transfer opportunities or other working conditions on the basis of race, color, religion, national origin, ancestry, gender, marital status, sexual orientation, age, or disability.

**Q. What is an EEO complaint?**

**A.** An EEO complaint is any verbal or written report or charge of employment discrimination of any kind.

**Policy**

**Q. What is the County policy on employment discrimination?**

**A.** Key components of the policy include the following:

- The County will conduct all employment activities and maintain a work environment free from discrimination and harassment of any kind. Employment discrimination is prohibited by federal, state, and local laws, and will not be tolerated.
- Supervisors and managers are responsible for ensuring that the employees under their supervision

are provided with a work environment that is free from discrimination and harassment.

- All County employees are responsible for maintaining a non-discriminatory work environment. This includes responsibility for personal conduct as well as reporting observed discrimination to appropriate supervisory or management personnel.
- Employees and managers are encouraged to resolve discrimination complaints at the earliest time and at the most immediate organizational level. However, it is an employee's right and management's responsibility to report discrimination complaints to OHR's EEO/Diversity Team promptly, in accordance with the guidelines provided below.
- OHR will respond to all discrimination complaints received in a judicious and timely manner, with the objective of maintaining and promoting a work environment free from discrimination.
- Incidents of proven discrimination and harassment are cause for disciplinary action against the offending party, including, but not limited to, dismissal.
- Falsification of complaints of discrimination, harassment, or retaliation will be considered cause for appropriate disciplinary action.
- EEO complaints are considered confidential. To the extent

practically possible, access to information related to an EEO complaint will be limited to individuals directly involved in the complaint or its investigation and resolution. However, while every effort will be made to maintain confidentiality, confidentiality cannot be *guaranteed*.

## Reporting EEO Complaints

**Q.** What are the general guidelines for reporting EEO complaints?

**A.** General guidelines are as follows:

An individual who has been subjected to discrimination or harassment of any kind, or is a witness to discrimination or harassment, should notify an appropriate supervisor or manager when an act or behavior is perceived to be offensive.

Supervisors and managers should respond to reports of discrimination or harassment, and take corrective action as appropriate. This includes complying with departmental complaint processing procedures, if any, and reporting incidents to OHR.

**Q.** What should I do if I believe I've been subjected to employment discrimination?

**A.** You should bring the matter to the attention of your supervisor

immediately. However, if your supervisor is a party to the discrimination, or you don't wish to discuss the matter with your supervisor, you should bring the matter to the attention of the person in your department designated to receive such complaints, your department director, or to OHR's EEO/Diversity Team.

You also have the right to file discrimination complaints with an external regulatory agency such as HRC, MCHR, and EEOC.

## Responding to Complaints

**Q.** What is the responsibility of a supervisor or manager who receives a complaint filed internally -- i.e., within the department?

**A.** A supervisor or other responsible person who receives a complaint filed within the department should document, in writing, information about the complaint. The documentation should include the date and substance of the complaint, the names of parties to the complaint, and the names of any other persons involved, in or witnesses to, the incident. The supervisor or other responsible individual should notify OHR's EEO/Diversity Team *within 24 hours of the report of the complaint*.

**Q.** What is the responsibility of a supervisor or manager who receives a notice that an employee has filed a complaint externally -- i.e., with an

**outside agency such as HRC, MCHR, or EEOC?**

**A.** Notices of charges resulting from complaints filed to these agencies should be referred directly to the EEO/Diversity Team in OHR *within 24 hours of receiving the notice*. The department may retain a copy of the complaint notice for its records under confidential conditions.

## **Role of OHR's EEO/Diversity Team**

**Q.** What happens when OHR receives a complaint?

**A.** Complaints received by OHR's EEO/Diversity Team are logged in, with appropriate information recorded. If the complaint was filed internally, the EEO/Diversity Team may inform the department that the department may investigate and attempt to resolve the complaint at that level. In such cases, the department should provide a report to the EEO/Diversity Team on the status of the complaint within 14 days, unless an extension of time is requested. If the complaint remains unresolved at that time, the EEO/Diversity Team will proceed with an investigation of the complaint.

*All complaints filed through external regulatory agencies such as HRC, MCHR, or EEOC are handled by OHR.*

**Q.** What happens next?

**A.** The EEO/Diversity Team conducts an investigation of EEO complaints received (except for those referred to departments) and communicates with the parties to the complaint following the conclusion of the investigation. The EEO/Diversity Team will notify affected managers and supervisors as to the resolution of the complaint and ensure that any recommended corrective actions are implemented. The EEO/Diversity Team will perform and document follow-up activities with appropriate departmental management, as necessary, to ensure that the situation has been corrected. The case will then be closed.

**Q.** What happens to files of closed cases?

**A.** The EEO/Diversity Team will maintain files of closed cases under confidential conditions for a period of two years.

## **Additional Information**

**Q.** Where can I get more information about the County's EEO policy or about how to file a complaint?

**A.** Additional information may be obtained by contacting the

EEO/Diversity Team in the Office of  
Human Resources at 240-777-5110.

*Note: This information can be made  
available in an alternate format, if  
necessary. Please contact the  
EEO/Diversity Team at 240-777-5110.*